

UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

LAWRENCE LODER, *et al.*,

No. C 11-00053 LB

Plaintiffs,

ORDER REASSIGNING CASE

v.

WORLD SAVINGS BANK, *et al.*,

Defendants.

Plaintiffs Lawrence and Nancy Loder filed a complaint in this case on November 30, 2011 against Defendants World Savings Bank, N.A., Wells Fargo Bank, N.A., and 5 Star Real Estate Investments. Complaint, ECF No. 1 at 6-36.¹ On January 5, 2011, World Savings and Wells Fargo removed the case from Marin County Superior Court. Notice of Removal, ECF No. 1 at 1-3. World Savings and Wells Fargo filed a motion to dismiss Plaintiffs' complaint and a motion to strike portions of Plaintiffs' complaint on January 12, 2011 and noticed the motions for March 17, 2011. Motion to Dismiss, ECF No. 4; Motion to Strike, ECF No. 5.

On January 13, 2011, the court issued an order requiring the parties to file their consents or declinations to the court's jurisdiction by January 27, 2011. 1/13/11 Order, ECF No. 7. Plaintiffs, World Savings, and Wells Fargo consented to the court's jurisdiction. *See* ECF Nos. 9-10. Because Plaintiffs had not yet served Defendant 5 Star Real Estate Investments, the court continued oral

¹ Citations are to the Electronic Case File ("ECF") with pin cites to the electronic page number at the top of the document, not the pages at the bottom.

1 argument on World Savings and Wells Fargo's motions to dismiss and strike. 2/11/11 Order, ECF
2 No. 12. The court also ordered Plaintiffs to file a proof of service for 5 Star Real Estate Investments
3 by March 31, 2011. *Id.* at 2.

4 Plaintiffs served 5 Star Real Estate Investments on February 9, 2011 and filed a proof of service
5 on February 25, 2011. Proof of Service, ECF No. 14. The deadline for 5 Star Real Estate
6 Investments to file a responsive pleading expired on March 2, 2011. Fed. R. Civ. P. 12(a)(1). 5 Star
7 Real Estate Investments has not yet filed a responsive pleading and has not appeared in this case.

8 Because 5 Star Real Estate Investments has not appeared in this case, the court has been unable
9 to procure its consent to the court's jurisdiction under 28 U.S.C. § 636(c). Without complete
10 consent of all the parties, the court may not rule on World Savings and Wells Fargo's pending
11 motions to dismiss and strike. 28 U.S.C. § 636(b)(1)(A); General Order No. 44. As a result, the
12 court orders the clerk of the court to reassign this case to a district judge.

13 **IT IS SO ORDERED.**

14 Dated: March 16, 2011



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16 LAUREL BEELER
17 United States Magistrate Judge
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